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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,280	06/01/2006	Shoji Inagaki	128162	3121
25944 7590 04/28/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER TRAN, DALENA	
			ART UNIT 3664	PAPER NUMBER
			MAIL DATE 04/28/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10581280	6/1/06	INAGAKI, SHOJI	128162

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER
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Dalena Tran

ART UNIT	PAPER
3664	20090422

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

## Office Action Summary

**Application No.**

10/581,280

**Applicant(s)**

INAGAKI, SHOJI

**Examiner**

Dalena Tran

**Art Unit**

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6,9-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,12,14,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is /are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-2, 4-6, 9-15, and 17-18, are pending.

The prior art submitted on 6/1/06 has been considered, however, the foreign patent documents #7, 9, and 10 has not been considered, because the documents have not been received.

The prior art submitted on 6/18/08 has been considered only #1 document, the document #2 has not been considered, because the documents have not been received.

The prior art submitted on 10/1/08 has not been considered because there are no PTO 1449 submitted.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 12, and 14, are rejected under 35 U.S.C. 102(b) as being anticipated by Banno et al. (US 2003/0125864 A1).

As per claim 1, Banno et al. disclose an automobile driven with a driving force from a driving source, said automobile comprising: a deceleration force estimation module that estimates a deceleration force in a vehicle longitudinal direction, which is caused by steering of the vehicle and is applied to reduce speed of the vehicle (see [0035-0036]); a control value calculation module that adjusts phases of a longitudinal acceleration in the vehicle longitudinal

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direction and a lateral acceleration in a vehicle lateral direction out of a steering-based acceleration, which is caused by steering of the vehicle and is applied to the vehicle, based on the estimated deceleration force, so as to calculate an adjustment control value that is used to adjust the steering-based acceleration (see the abstract; and [0079-0082]); and a driving control module that drives and controls the driving source to ensure output of a driving force to an axle based on a drive change demand of the vehicle and the calculated adjustment control value (see [0013-0015]; and [0070-0082]).

As per claim 12, Banno et al. disclose a steering angle detection module that detects a steering angle; and a vehicle speed measurement module that measures a vehicle speed (see [0045]), wherein deceleration force estimation module estimates the deceleration force, based on the detected steering angle and the measured vehicle speed (see [0046-0048]).

As per claim 14, Banno et al. disclose the driving source includes at least one of an internal combustion engine and a motor (see [0032-0033]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4-6, 15, and 17-18, are rejected under 35 U.S.C.103(a) as being unpatentable over Banno et al. (US 2003/0125864 A1) in view of Nakamura et al. (5408411).

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As per claim 2, Banno et al. do not disclose magnitude regulator that regulates magnitude of the longitudinal acceleration in the vehicle longitudinal direction out of the steering-based acceleration. However, Nakamura et al. disclose magnitude regulator that regulates magnitude of the longitudinal acceleration in the vehicle longitudinal direction out of the steering-based acceleration control value calculation module calculating the adjustment control value, based on the regulation by magnitude regulator (see columns 24-25, lines 39-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Banno et al. by combining magnitude regulator that regulates magnitude of the longitudinal acceleration in the vehicle longitudinal direction out of the steering-based acceleration for controlling vehicle driving force and controlling vehicle driving behavior.

As per claim 4, Nakamura et al. disclose magnitude regulator decreases the magnitude of the longitudinal acceleration (see columns 27-28, lines 46-38).

As per claim 5, Nakamura et al. disclose magnitude regulator regulates the magnitude of the longitudinal acceleration to set at least one of a pitching level and a rolling level of the vehicle, which is caused by the steering-based acceleration, to a specified level (see column 14, lines 1-63).

As per claim 6, Nakamura et al. disclose magnitude regulator regulates the magnitude of the longitudinal acceleration to reduce at least one of a pitching level and a rolling level of the vehicle, which is caused by the steering-based acceleration (see columns 15-17, lines 48-4).

Claims 15, and 17-18, are method claims corresponding to automobile claims 1-2, and 5-6 above. Therefore, they are rejected for the same rationales set forth as above.

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6. Claims 9-11, and 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Sasaki (5701247)

. Shibahata (6131054)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/  
Primary Examiner, Art Unit 3664  
April 22, 2009